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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 LINDA C. AVILA,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of  
10 Social Security,

11 Defendant.

Case No. 11-5113 BHS-KLS

REPORT AND RECOMMENDATION

12 This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.  
13 § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W.  
14 v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for  
15 remand. (ECF #19). After reviewing the parties' stipulated motion and the remaining record, the  
16 undersigned recommends that the Court grant the parties' motion, and remand this matter to the  
17 Commissioner for further proceedings.

18 This Court recommends that on remand the Administrative Law Judge (ALJ) shall re-  
19 assess the medical source opinions of record and explain the weight given to such opinions. As  
20 appropriate, the ALJ may request that medical sources clarify their opinions. In addition, the  
21 ALJ shall re-assess Plaintiff's credibility in accordance with Social Security Ruling (SSR) 96-7p.  
22 The ALJ shall also re-assess Plaintiff's residual functional capacity and provide rationale with  
23 specific references to evidence of record in accordance with SSR 96-8p. The ALJ shall also re-  
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1 assess whether Plaintiff has any past relevant work. Finally, if necessary, the ALJ shall obtain  
2 additional evidence from a vocational expert and follow SSR 00-4p.

3 Plaintiff is entitled to reasonable attorney fees, expenses, and costs pursuant to 28 U.S.C.  
4 § 2412(d), upon proper request to this Court.

5 The parties agree that Plaintiff will be afforded the opportunity to appear and testify at a  
6 supplemental hearing; Plaintiff may submit additional evidence and arguments on remand; and  
7 that those other aspects of the ALJ's prior decision not specifically addressed here are not  
8 affirmed.  
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10 Given the fact of the parties' stipulation, the Court recommends that the District Judge  
11 immediately approve this Report and Recommendation and order the case **REVERSED** and  
12 **REMANDED**. A proposed order accompanies this Report and Recommendation.

13 DATED this 22nd day of June, 2011.  
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16 Karen L. Strombom  
17 United States Magistrate Judge  
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